

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

RICHARD DEEDS,

Plaintiff,

vs.

JIM BENEDETTI, et al.,

Defendants.

3:06-cv-0282-LRH-VPC

**ORDER**

This is a civil rights action brought *pro se* by Richard Deeds, a prisoner at the Northern Nevada Correctional Center in Carson City, Nevada. The court reviewed Deeds' amended complaint and allowed Counts I, II and IV to proceed against particular defendants. Plaintiff now moves the court, pursuant to Fed. R. Civ. P. 60 (a), to amend its order to allow him to proceed against defendant Benedetti as to Count IV. He argues that the defendant was named in the text of Count IV and improperly dismissed due to a clerical mistake.

Plaintiff is correct in stating that defendant Benedetti was named in Count IV of the amended complaint. However, the facts alleged in that count do not demonstrate an intentional wrongful act by that defendant. Rather, the facts allege that Benedetti acted in compliance with prison regulations which defendants Whorton and Crawford improperly instituted or failed to amend. The court allowed the claim to proceed against the alleged bad-actors, but not against Benedetti who plaintiff alleged was just following the regulations.

Deeds' Motion for Relief from Order #6 (docket #7) shall be denied.

1                   **IT IS THEREFORE ORDERED** Deeds' Motion for Relief from Order #6 (docket  
2 #7) is **denied**.

3                   Dated this 20<sup>th</sup> day of December, 2006.

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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE